

REMARKS

This Amendment and Response is responsive to the December 1, 2004 Office Action. In that action, claim 28 was rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, and claims 29, 30, 32, and 33 were rejected for depending on the rejected parent claim; and claims 28-30, 32, 33, and 42-60 were rejected under USC §103(a) as being unpatentable over Smyk (USPN 6,161,128), in view of Meubus, et al. (USPN 6,185,565) and Horrer, et al. (USPN 6,163,605). Applicants submit that all of the claims are now in allowable form and reconsideration of the rejections is hereby requested.

Applicants have amended independent claims 28, 42, 51 and 57 to even further distinguish over the art of record. The amendments are supported in the specification (e.g. page 14) and the figures (e.g. Figures 1, 2 and 7A). In addition, claims 47-49 have been amended to address typographical errors therein. Applicants have canceled Claim 50.

Claim 28 sets forth a user programmable system for routing telephonic traffic in a communications network comprising, a network server connectable to a data network wherein the network server is further configured to communicate with a service control point (SCP) in a telephonic network, said network server including a subscriber profile database accessible by the SCP so as to provide telephonic routing information in response to a detected incoming telephone call to any of a plurality of destination addresses associated with a subscriber, the destination addresses associated with that subscriber each representing a different means for communication with that subscriber. The system further comprises at least one interactive screen display presentable to system users accessing the network server over the data network wherein the interactive screen displays are configured such that the system users may review and establish

directly in a central database routing instructions for one or more routing addresses based on the destination address and at least one of: date and time of day a connection is attempted with any of the plurality of destination addresses.

The system of Claim 28 provides the advantages of directly accessing a central server containing routing information and instructions not segregated by type for one or more routing addresses based on the destination address and at least one of: date and time of day. It also provides the advantages of centralizing the updating and storage of routing information and instructions avoiding mismatches or delays in the updating and efficacy of routing information and instructions from disparate sources (e.g. mobile network sources, PSTN sources, etc). Furthermore, the system provides the advantages of making the routing information accessible to parties who want to locate information relating to a particular subscriber. Such a data table may be included in a commercial website and may be combined with any number of other data regarding a particular subscriber in which another party may have some interest. The prior art fails to anticipate or render obvious such an arrangement.

Smyk fails to disclose accessing a network server regardless of the type of routing information or instruction modification requested. Rather, Smyk only discloses accessing a network server for “service changes that are frequently made. This is due to the nature of the data stored in the database associated with the ISCP/node 205” (Column 6, Lines 25-27). Smyk particularly teaches a different route for other types of routing information or instruction modifications. “The SPACE interface 210 is especially appropriate for supporting AIN service modifications that are persistent in nature” (Column 6, Lines 52-54). Thereby, Smyk actually teaches away from a network server configured such that the system users may review and establish directly in a central database routing instructions. Applicants submit that Smyk teaches

away from such a system by differentiating between types of routing information based on whether they be “transient” or “persistent” due to “the nature of the data stored on the database associated with the ISCP/node 205” (Column 6, Lines 25-27 and 52-54). Smyk teaches that “service requests through the SPACE application 206 and the SPACE interface 210 will be propagated to the ISCP/node 205 to instantiate the service requests. Thus, these service requests take longer to implement” (Column 6, Lines 63-67). Smyk thereby falls far short of disclosing the invention in Claim 28, which does not discriminate between types of telephonic routing information due to the nature of data stored. Indeed, Smyk teaches away from accessing the network server over the data network such that the system users may review and establish directly in a central database routing instructions by teaching a system that accepts due to the nature of data stored on the database some service requests through another application thus taking longer to implement and failing to provide a central database from which a user may review all routing instructions.

Furthermore, the Examiner has admitted that Smyk is silent or deficient regarding providing telephonic routing information in response to a detected incoming telephone call to any of a plurality of destination addresses associated with a subscriber, the destination addresses associated with that subscriber each representing a different means for communication with that subscriber and at least one interactive screen display presentable to system users accessing the network server over the data network wherein the interactive screen displays are configured such that the system users may establish routing instructions for one or more routing addresses based on the destination address and at least one of: date and time of day a connection is attempted with any of the plurality of destination addresses. Applicants assert that Smyk is necessarily also silent and deficient regarding the same clauses in Claim 28 as amended and that the present

amendments to Claim 28 did not bring those clauses within the teachings of Smyk.

Meubus fails to disclose, *inter alia*, accessing a network server over a data network including a subscriber profile database and configuring said network server such that system users may review and establish directly in a central database routing instructions. Particularly, Meubus fails to disclose a network server with a central database directly accessible by system users to review or establish routing instructions. Rather, Meubus discloses that a user may access a Service Logic Agent (SLA). The SLA is distinct and separate from the Service Logic Controller that makes “decisions regarding the disposition of a certain communications session” (Column 1, Lines 42-43). Meubus explains the function of this distinction and separation, “After the user profile has been built or altered, the SLA transfers the data to the SLC. ... The SLC may also receive data to alter the user profile from SLAs residing in the other network domains, such as the PSTN or the mobile telephone network” (Column 3, Lines 18-19 and 33-35). Further, Meubus teaches several SLAs in “three distinct domains, namely the PSTN network domain 100, the mobile network domain 102 and the Internet domain 104,” namely a PSTN SLA 130, a mobile network SLA, and an Internet SLA 135 (Column 5, Lines 15-17; Figure 1). Thus, Meubus falls far short of disclosing a network server that is accessed both to review and establish directly in a central database routing instructions.

Horrer fails to disclose a system wherein users may establish routing instructions for one or more routing addresses much less routing instructions for one or more routing addresses based on the destination address and at least one of: date and time of day a connection is attempted with any of the plurality of destination addresses. Specifically, Horrer teaches no routing instructions established by the user. In its only disclosure of user input to the system, Horrer teaches that, “It is then possible for the subscriber to change the subscriber identifications relating to him/her in

the database by menu selection or to establish new subscriber identifications or new types of subscriber identifications for him/her” (Column 6, Lines 40-44). Applicants submit that this does not teach a system wherein users may establish routing instructions. Rather, Horrer teaches only a subscriber changing and establishing subscriber identifications.

Furthermore, Horrer fails to disclose a system wherein users may establish routing instructions for one or more routing addresses based on at least one of: date and time of day a connection is attempted with any of the plurality of destination addresses. Specifically, applicants submit that the teaching of a determination of “the network address of that subscriber terminal of the communications network KN via which this subscriber can be reached at the moment” (Column 4, Lines 27-29) does not teach or disclose user established routing instructions based on at least one of date and/or time of day. Applicants note the above referenced lack of disclosure about user input regarding routing instructions and further submit that a mere reference to determination of the network address via which the subscriber can be reached at the moment does not disclose or suggest a user determination of date and/or time of day beyond said user’s physical location much less a combination of such user determination with a user established routing instructions based on at least one of: date and/or time of day. As such, Horrer’s disclosure of a determination of where the subscriber can be reached at the moment falls far short of disclosing a system wherein users may establish routing instructions for one or more routing addresses based on at least one of: date and time of day a connection is attempted with any of the plurality of destination addresses.

In addition to the respective shortcomings of Smyk, Meubus and Horrer, Applicants submit that Smyk fails to provide suggestion or motivation to combine its teachings with those of either Meubus or Horrer much less in a manner that would yield the invention of Claim 28.

Specifically, Meubus teaches a plurality of SLAs each allowing the alteration of a user profile including, specifically a PSTN SLA 135 (Column 3, Lines 33-35; Figure 1). Smyk teaches away from such a system, teaching instead that, “while a telephone self-service channel is more economical than a live service representative channel, it can only be used efficiently to control certain types of services involving limited amounts of data” (Column 2, Line 39-42). Meubus however discloses at least 11 categories of data that are suitable conditions and events to be maintained via a PSTN SLA (Column 6, Lines 24-67; Column 7, Lines 1-8). Therefore, Smyk fails to provide suggestion or motivation to combine its teachings with, and indeed teaches away from a combination with, the multitude of data that Meubus teaches are needed “to provide a more flexible communication session disposition mechanism that can take decisions regarding communication session disposition based on a broader range of events” (Column 1, Lines 32-35).

Smyk teaches away from combining its teachings with those of Horrер. Specifically, Horrер teaches a system wherein a subscriber is only granted the abilities “to change the subscriber identifications relating to him/her in the database by menu selection or to establish new subscriber identifications or new types of identifications for him/her” (Column 6, Lines 41-44). Smyk however teaches a system for updating service to a single telephone number, wherein that single telephone number is used for subscriber authentication (Column 9, Lines 20-35; Figure 4A), there is a unique telephone number for each account (Figure 4B) and the subscriber cannot change the telephone number but can only change services relating to the telephone number (Figures 4A, 4B; Column 9, Lines 60-63). Therefore, Smyk fails to provide suggestion or motivation to combine its teachings with, and indeed teaches away from a combination with, the teachings of Horrер.

Furthermore, even if the teachings of Smyk were to be improperly combined with the

teachings of Meubus and/or Horrer, as stated above and emphasized here, Smyk, Meubus and Horrer each fail to disclose, and indeed each teach away from, a system wherein users may review and establish directly in a central database routing instructions. Therefore, even an improper combination of Smyk, Horrer and Meubus falls far short of disclosing the invention in Claim 28.

Examiner rejected independent Claims 42, 51 and 57 via reference to his rejection of Claim 28. Claims 42, 51 and 57 are herein also currently amended. Applicants assert that Claims 42, 51 and 57 are in allowable form and are not anticipated or rendered obvious by the prior art. Applicants re-submit the above assertions regarding Claim 28 here with respect to Claims 42, 51 and 57. Further, Applicants submit that Claims 29, 30, 32, 33, 43-49, 52-56 and 58-60, which are each dependent upon one of Claims 28, 42, 51 and 57, are each allowable for the same reasons stated above.

Further, with regard to the Examiner's section 112 rejections, in paragraphs 4 and 5 on page 2 of the office action, claims 28-30, 32, and 33 are rejected under section 112, second paragraph, because the term "the communication server" on line 3 of claim 28 is stated to lack proper antecedent basis. The term "communication server" does not appear in claim 28. In fact, this section 112 issue was addressed in an amendment to claim 28 filed on February 17, 2004. After the February 17, 2004 amendment, there was also an amendment filed on September 13, 2004. The fact that this rejection appears in this current Office Action is not understood by the undersigned. Regardless, no amendment to these claims based on this erroneous rejection appears necessary.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone

conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: _____

Robert G. Crouch
Registration No. 34,806
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720) 562-5506

Date: June 1, 2005